

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 20-1980V

UNPUBLISHED

SANDRA JEAN RIFFELMACHER,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: September 20, 2022

Special Processing Unit (SPU);
Ruling on Entitlement; Concession;
Table Injury; Influenza (Flu) Vaccine;
Shoulder Injury Related to Vaccine
Administration (SIRVA)

Amy A. Senerth, Muller Brazil, LLP, Dresher, PA, for Petitioner.

Jamica Marie Littles, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On December 28, 2020, Sandra Jean Riffelmacher filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”). Petitioner alleges that she suffered a left shoulder injury related to vaccine administration (“SIRVA”) as a result of an influenza (“flu”) vaccine received on October 11, 2019. Petition at 1. Petitioner further alleges that the vaccine was received in the United States, her injuries and sequelae lasted more than six months, and neither Petitioner nor any other party has ever filed an action or received compensation in the form of an award or settlement for Petitioner’s vaccine-related injuries. Petition at ¶¶ 2, 11-13. The case was assigned to the Special Processing Unit of the Office of Special Masters.

¹ Because this unpublished Ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims’ website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Ruling will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

On September 19, 2022, Respondent filed his Rule 4(c) report in which he concedes that Petitioner is entitled to compensation in this case. Respondent's Rule 4(c) Report at 1. Specifically, Respondent agrees that:

[P]etitioner had no history of left shoulder pain, inflammation, or dysfunction prior to her October 2019 flu vaccination that would explain the alleged symptoms and examination findings occurring after her vaccine injection. In addition, petitioner more likely than not suffered the onset of her left shoulder pain within forty-eight hours of her flu vaccine administration; and her left shoulder pain and reduced range of motion were limited to the shoulder in which the vaccine was administered. There is no other condition or abnormality that would explain petitioner's symptoms. Therefore, petitioner is entitled to a presumption of vaccine causation.

Respondent's Rule 4(c) Report at 7-8 (citation omitted).

Respondent further agrees that the "records also show that this case was timely filed, that petitioner received her October 2019 flu vaccination in the United States, and that petitioner satisfies the statutory severity requirement by suffering the residual effects or complications of her left shoulder injury for more than six months after vaccine administration . . . [and] entitlement to compensation is appropriate under the terms of the Vaccine Act." Respondent's Rule 4(c) Report at 8 (citation omitted).

In view of Respondent's position and the evidence of record, I find that Petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Brian H. Corcoran
Brian H. Corcoran
Chief Special Master